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ABSTRACT

Since Canadian courtoom procedures differ from those of courts in the United States, a study was conducted to test the effects of United States television programs depicting legal proceedings upon Canadian viewers' beliefs about the legal system of that country. A sample of 355 Canadians (composed of eighth and twelfth grade students, first year college students, and first year law school students) completed a questionnaire containing 24 statements. The statements represented information that could be gained from watching television programs taking place in a courtroom, such as proper dress for a lawyer (Canadian lawyers wear black robes in court) and information that could not be so gained, such as jury selection procedures. The questionnaire also contained a semantic differential scale asking respondents to indicate how influential parents, teachers, friends, magazines, novels, motion pictures, and television had been on their knowledge of the judicial process. The results showed that those persons who indicated that television was the most influential source of information about the judicial system had inaccurate perceptions about the Canadian court system, supporting the view that television is very influential in forming viewers' beliefs. The results also supported the concept of incidental learning: people do obtain information from television without deliberately seeking it. (FI)

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THE EFFECT OF UNITED STATES TELEVISION PROGRAMS UPON CANADIAN BELIEFS ABOUT LEGAL PROCEDURE

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THE EFFECT OF UNITED STATES TELEVISION PROGRAMS UPON CANADIAN BELIEFS ABOUT LEGAL PROCEDURE

For sometime concern has been expressed by persons interested in legal communication about the effects of incidental learning from television programs upon the attitudes and beliefs people hold about the courtroom process. Television programs such as Perry Mason or Hawkins, which revolved around the activities of lawyers, presented a simplistic, often false, view of the legal process. Many persons feared that viewers learned false and harmful information about the legal process by watching these programs.

This question is difficult to research in the United States because of the varied presentations on television concerning courtroom activities. In Canada, however, it is easier to research the effects of these programs since 1) Canadian television has been dominated by American legal programs, and 2) Canadian courtroom procedures are much different from those in the United States. If Canadians learn beliefs about courtroom procedures from television programs which they watch, then they will only know about practices in United States courtrooms and be ignorant about unique Canadian procedures. Until the summer of 1975 United States television programs about lawyers dominated Canadian television. In the summer of 1975, after this research was conducted, the Canadian Broadcasting Corporation began a series of television programs dramatizing actual legal cases in a factual courtroom setting. This program employed actors as the witnesses in the case and utilized Canadian lawyers and judges in the dramatization playing the role of judge and lawyers. Thus quite a bit of realism was brought to the television screen. It must be remembered, however, that the present research was conducted prior to the showing of this C.B.C. program on Canadian television.

Tate, Hawrish, and Clark (1974) have summarized the differences between United States, British, and Canadian judicial systems in jury selection. In the Canadian system lawyers are able to get a list of prospective jurors from the sheriff at least three days prior to the trial. The list will contain the names and addresses of at least forty-eight (48) prospective jurors. The lawyer is free to obtain other information which he or she considers relevant about each

prospective juror without questioning or talking directly to the individual. In the courtroom each lawyer must accept or reject each juror when his or her name is called for service on the jury. Some lawyers will take a quick look at the prospective juror as they rise before announcing acceptance or rejection.

The lawyer may challenge the prospective juror for cause or peremptorily. In the peremptory challenge, the lawyer simply asks that a prospective juror be excluded from the jury. Defense attorneys are allowed a certain number of peremptory challenges depending upon the severity of the crime. The prosecutor is allowed a smaller number of peremptory challenges but has the power to ask a juror to stand by. If asked to "stand by" the juror waits until all jurors are chosen for the trial. In the case that there are not sufficient prospective jurors on the list who are satisfactory to both sides, those persons who were asked to "stand by" will be placed on the jury in order in which their names were called.

If a juror is challenged for cause, that is, for not being indifferent in the trial, voir dire, will be conducted by two jurors already selected. Canadian lawyers do not have the same opportunity to question prospective jurors that lawyers in the United States have during in the selection processes. In Canada few challenges for cause are utilized, voir dire procedures are limited to investigation for cause and hearings on evidence in the absence of jurors.

There are other differences between Canadian and United States courtrooms more apparent to the lay person than jury selections procedures. In Canada, those who testify usually stand; however, if the testimony will take a relatively long time, or the individual is ill, the judge usually permits the individual to sit down. Another difference exists in the way lawyers dress in court. In Canadian high courts, lawyers must wear black gowns while in the coutroom. No informal attire, such as business suits, is allowed in a Canadian courtroom as lawyers are expected to reflect the status of the court by wearing robes. In recent years some Canadian judges have reaffirmed this principle by enforcing the dress regulations when lawyers have been lax by wearing business suits. Another difference is in terminology: the equivalent to prosecutor in Canada is the district attorney in the United States.

It should be apparent from this discussion of differences between the two courtroom systems that Canadians who view American television shows portraying lawyers in a United States courtroom may develop false opinions about corresponding activity in Canadian courtrooms. By assessing beliefs about courtroom activity held by Canadian television viewers one ought to be able to assess

the effects of television program content produced in the United States. This in turn should enable persons interested in legal communication to examine the effects of television program content upon viewers beliefs and attitudes about the legal system.

Traditionally the television effects model has been linear in nature. It is assumed that the content of television programs directly affects the attitudes and beliefs of viewers without interacting with other social and cultural institutions. Gerbner and Gross (1976) understand that television is the "central cultural arm of American society" socializing people into stable social patterns. Television is the medium which gives people "standardized roles and behaviors." These researchers have found among American viewers a direct relationship between the number of hours spent viewing television and the development of a fortress mentality or mean world syndrome. This refers to a belief system which overestimates the amount of crime and violence in society, leads to distrust of other people, overexaggerates the extent of threat and danger in the neighborhood, and leads to demands for increased police protection.

Gerbner's research indicates that the mean world syndrome is directly related to the amount of time spent watching television. He does not find any other mediating variables affecting the development of a fortress mentality. Research by Doob (1976) and Tate (1976) indicates that at least for Canadians other factors are more important than television viewing. This does not, of course, negate the findings of Gerbner for viewers in the United States.

DeFleur (1970) views mass communication as a social system operating within the set of social and cultural conditions which are North American society. This viewpoint allows for a more complex model of television influences upon viewers belief systems. Television viewing is not a discrete individual behavior which can be isolated from the rest of a person's daily life. Steiner's (1963) nationwide survey in the United States showed that television is viewed mostly by household groups who are frequently interacting with one another while the program is on. Canadian research by Tate (1976) showed that three fourths of persons viewing television watch it with family or friends. Television viewing is a social activity. It is only one part of an individual's activity and possible information sources.

The effect of television will be accentuated if other sources of information are absent from the social system. Lazarsfeld and Merton (1948) argued that

the mass media will have an effect upon beliefs and attitudes if 1) they have monopoly control of all information sources, 2) are reinforced by interpersonal communication, and 3) can canalize or channel existing motivations and behaviors into slightly different behaviors. Schramm (1973) states that mass communication is quite efficient in implanting information, beliefs, and even values in areas where no strongly held positions readily exist.

> Thus, if a new element of information is judged to be interesting and credible, and if it fits into a cognitive area where it does not have to face strong existing beliefs and attitudes or confirms, clarifies, extends or slightly canalizes a part of one's cognitive holdings, there is a good chance of its being accepted (Schramm, 1973, 208).

To the extent then that television programming content is the only information available to the individual about courtroom activity, to the extent that these beliefs are new or tentatively held, or to the extent that television information is similar to information received from other interpersonal sources and mass media sources, television programming content will be influential in establishing beliefs, attitudes, and values about the legal system. To the extent that there are competing sources of legal information in the individuals environment it can be expected that television information will be viewed as false and irrelevant to the indidivuals understanding of the legal system.

Given this understanding of the complexity of the relationship between information contained in television legal programs and the development of beliefs about the legal system in people, it was hypothesized that:

> There is an inverse relationship between the perceived influence of television shows about lawyers and knowledge of the Canadian judicial process.

Specifically this means that those who perceive television law shows to be influential as a source of information about the legal process are more likely to believe the following inaccuracies about the Canadian courtroom: an American type of voire dire is employed in jury selection; the prosecutor is known as the district attorney; witnesses testify sitting down; lawyers wear suits in the courtroom; lawyers often try to trap a person whom they believe to be guilty into confessing while under questioning on the witness stand during a trial; lawyers may call a witness a liar while testifying; television courtroom dramas are just like real court trials; and, Perry Mason is a good example of a real lawyer.

A second hypothesis which develops from an understanding of the mass media as one part of the total social system is:

> Students who report either having observed or being a defendent in a high court trial will have more accurate beliefs of the judicial process than respondents who report no courtroom experience.

As the individual grows and is educated other information sources concerning the legal system become available. Information received from these sources replaces and corrects the information received from television legal programs. As the individual visits the courtroom and interacts with persons within the legal profession the inaccurate ideas accepted from television content are replaced by information derived from this interaction. This information may vary in accuracy but certainly personal experience is more credible than ideas derived from impersonal sources such as television. Mass communication can shape impressions of reality only in so far as it is not in competition with other sources of information and personal experience.

Method

A questionnaire utilizing twenty-four Likert-type statements which test knowledge of the Canadian judicial system was developed. The questionnaire was pretested in a second year social psychology course and items in which wording was unclear were removed or rewritten. Questions included in the questionnaire represented information which could be gained from watching television programs taking place in a courtroom, e.g., proper dress for lawyers, standing while giving testimony, etc., and some information which could not be gained from watching television e.g., jury selection procedures, preparation of the list of prospective jurors, the meaning of being told to stand by, etc. The questionnaire also contained a semantic differential type format asking the respondent to indicate how influential or not influential parents, school teachers, friends, magazines, novels, motion pictures, television, etc. had been on their knowledge of the judicial process.

Constraints upon time and financial resources mandated that an availability sample be utilized. Since one issue of concern was the effect of education and age on accurate knowledge(see Trach, 1975), it was decided to use persons of different ages in the study. Approximately 100 students in each of grade eight classes, grade twelve classes, and first year university sociology classes were asked to complete the questionnaire. Forty-seven first year law students also completed the questionnaire. A total of 355 students completed.

the questionnaire.

The questionnaire was distributed uniformly. The teacher or professor of the class selected introduced the second author as a sociology graduate student who had a questionnaire which the class was requested to complete. The interviewer then advised that complete anonymity would be given. Upon completion the questionnaires were collected and the class was told about the study.

Eight students declined to answer the questionnaire: all explained that they had just immigrated to Canada and hence could not meaningfully respond to the questionnaire. These students were excluded from the study.

Results

Three hundred and fifty five persons completed the survey. This included forty-seven students in first year law, 103 first year university arts students, 106 grade twelve students, and 99 grade eight students. The data was analyzed utilizing the SPSS program.

The composite score "TV knowledge" was employed to assess knowledge of Canadian court system which might be influenced by television law shows. The composite was evaluated according to the criteria set forth by Warren et. al. (1969). Table One indicates the item-total correlation and coefficient of reliability for the questions used to develop the composite "TV knowledge." Seven items make up this composite. They are:

1) In Canada, lawyers are allowed to question prospective jurors before accepting them for jury duty. (An incorrect statement.)
2) Lawyers often try to trap a person whom they believe to be guilty into confessing while under questioning on the witness stand during the trial. (incorrect)
3) In Canadian courts, those who testify usually give their testimony standing. (correct)
4) In Canada, the District Attorney is the prosecutor for the government. (incorrect)
5) It is proper for a lawyer to call a witness a liar while he is questioning the witness under oath during the trial. (incorrect)
6) T. V. courtroom dramas are just like real court trials. (incorrect)
7) Perry Mason is a good example of a real lawyer. (incorrect)
8) In the high courts of Canada, the practice of lawyers wearing black robes has been discontinued in favor of merely wearing business suits. (incorrect)

It should be noted that item one was dropped from the composite because its item-

total correlation was -.14. It did not meet the criterion that it correlate with the composite at greater than +.35. All other items met the criteria of a positive correlation greater than $1/\sqrt{N}$, and sixty percent or more of them have positive inter-item correlations falling within a relatively small range (Warren et. al., 1969, 14-16).

Table one about here

The most influential source of information about the judicial process for these respondents is television shows about lawyers. However, the perceived influence of shows about lawyers is only slightly more influential than television documentaries, parents, and motion pictures (see table two)... A simple one-to-one relationship between television programs with lawyers and knowledge of the judicial process does not exist. Moreover, television does not have a monopoly in giving information about the judicial system.

There are some interesting variations in most influential source between the different groups of students. Table two indicates that grade eight students perceive their parents as being their most influential source of information about the judicial process. This is followed by television shows about lawyers, documentaries, motion pictures, and newspaper accounts of trials. Grade twelve students and first year university students rely upon television programs, documentaries, motion pictures, rather than their parents for information. University students also turn to their friends for information about the court system. First year law students rely upon lawyers, visits to courtrooms, and television documentaries for information about the judicial process. The law students ranked television programs about lawyers in ninth place among the twelve possible sources of information.

Table two about here

The hypothesis that there would be an inverse relationship between the perceived influence of television and accurate knowledge of courtroom procedure was supported by the data. The correlation between perceived influence of television programs

about lawyers and knowledge of courtroom procedures was $r_{xy} = -.38.(p=.001)$. The more influential television is perceived to be, the less accurate are the beliefs about the Canadian court system.

Partial correlations were calculated to determine whether the relationship between the perceived influence of television law programs and knowledge of the courtroom system would change when the effects of other sources of information were controlled. The partial correlations further supported the hypothesis. When the combination of sources were controlled for in second and third order correlations, the correlation between television legal programs and knowledge ranged only between -.38 (the zero order correlation) and -.21.

Multiple regression analysis was used to further explore the effect of other sources of information upon knowledge of the courtroom process.(see table three). When the thirteen variables, student type and the twelve sources of information, are taken simultaneously, the perceived influence of television programs about lawyers is the second most influential factor affecting knowledge of courtroom procedure. The twelve sources of information and student type account for 30% of the variance. Student type accounted for sixteen percent (16%) of the variation in knowledge of courtroom procedures. Television programs about lawyers accounted for the next largest amount of variance (8%) with lawyers, novels, and parents explaining other significant portions of variation. The multiple regression analysis also supports the hypothesis. The fact that student type is the most influential should not surprise one since the respondents were drawn from classrooms ranging from grade eight to first year law school.

Table three about here

The second hypothesis refers to courtroom experience as a corrective for false information obtained from television. The data only partially support this hypothesis. As indicated in table four twenty-nine percent of the respondents had courtroom experience in either a high or low Canadian court. This varies with age with the first year law students have more experience than other student types.

Table four about here

The seven question composite "TV knowledge" has a range of 7 to 35. Those with courtroom experience had a mean of 24.31 while those without courtroom experience had a mean of 22.02. This difference is significant at the .001 level. When the results are examined by taking into account student type a different pattern is found (see table five). The differences between those with and those without courtroom experience is not statistically significant for grade eight students, university arts students, and law students. Only grade twelve students display a significant difference in knowledge between those who have had courtroom experience and those who have never been in a courtroom.

A word of caution about generalizing from this portion of the data is in order. The number of grade eight students having courtroom experience is very low(16 persons out of one hundred). Similarly only thirty-three university arts students had courtroom experience. Also, only thirteen first year law students do not have some courtroom experience. These small sample sizes should be taken into account when considering this data.

The hypothesis has been confirmed, although weakly, by the data. For the entire sample, those with courtroom experience have somewhat more accurate knowledge of the judicial system than those without courtroom experience. However, when the groups are tested separately only grade twelve students reconfirm the hypothesis. The differences within the other three student groups were not statistically significant. Perhaps, many of those who go to court do not clearly remember what happened.

Discussion

Beliefs about the judicial system are a result of experience and learning throughout life. The mass media do not operate in a vacuum. The impact of television must be understood in relation to the total complex of social relationships and social interactions within which audience members have functioned prior to, during, and after their exposure to information. When the mass media are able to operate with some monopoly upon information they can be more influential than when other social institutions also provide information for the individual.

At the time of this study Canadian television was dominated by programs about lawyers written and produced in the United States. Since the Canadian court system

is very different from the U. S. model portrayed on television, individuals who rely upon television for information about the courts will have false conceptions about what happens in a Canadian courtroom. This study supports this view of the influence of television upon beliefs concerning courtroom procedure. Those persons who indicated that television was the most influential source of information about the judicial system did indeed have inaccurate perceptions about the Canadian court system.

This study also supports Schramm's concept of incidental learning: that is, people do obtain information from television without deliberately seeking it out. Even though television programs about lawyers are produced for entertainment and utilized by the viewer for entertainment or relaxation, the viewers learn from watching the program.

Because knowledge of the Canadian judicial process is inversely related to reliance upon television programs about lawyers, this is one small indication of the Americanization of Canadian culture. Canadians have long been concerned about the American domination of Canadian broadcast media. As long ago as the 1929 Aird Commission Report and as recently as the Ontario Royal Commission on Violence in the Communications Industry (1970) concern has been expressed about the pronounced American cultural saturation of the media as being detrimental to Canadian cultural survival. The development by the Canadian Broadcasting Corporation of television programs portraying Canadian courts in action can be viewed as a positive step in correcting the problem.

The problem, however, is not only a Canadian concern. United States television programs about lawyers do not accurately reflect the American judicial system. Individuals living in the U. S. who rely upon television for information about the legal system will also develop unrealistic opinions about the system. While there are many competing sources of information, those persons who rely upon television for information, or don't bother to examine critically the opinions they receive from television, will hold inaccurate and false beliefs about the judicial system.

If the problem is to be corrected then members of the legal community, as well as individuals interested in it, must seek ways to overcome the influence of the mass media. This might well be done by helping to create television programs similar to those produced by the C. B. C. although it is admitted that A.B.C. did present Day In Court with Edgar Allen Jones, a professor of law at U.C.L.A., from 1958 to 1965. Educational programs in schools, visits by school children to courtrooms, also help to overcome the false impressions developed by watching television.

As other sources of information become available along with personal experience, the effects caused by the monopoly held by television and other mass media can be overcome. Parents can also help to overcome the influence of television by discussing the legal process with their children. Certainly this data indicates that younger children rely more upon their parents for information than they rely upon television and other media.

Finally it should be remembered that the questionnaire utilized in this study measured more information about the court system than simply the rather inconsequential information contained in the composite discussed above. These questions measuring "general knowledge" about the court system did not correlate together. Similarly no differences were found among respondents when replying to these questions. Statistical tests showed no significant differences between student groups, or persons having/not having courtroom experience, on these items.

It would seem best to regard this as information about which the respondents simply do not have knowledge. These questions, which concerned the process of jury selection, the role of the sheriff in developing the jury list, and the meaning of stand-by, are too technical for a lay audience. Such things are not shown on television or discussed in the media. It would appear fair to conclude that the lay audience has little, if any, information about these aspects of the legal process. In fact, even the first year law students were uninformed about these matters since they did no better than other students when answering them. Only by having courtroom experience, or having them explained to one, can a person come to understand them.

Certainly further research needs to be carried on into this question of the degree of influence television has on beliefs and attitudes towards the legal system. This study was preliminary in nature and focused upon minor practices in Canadian courtrooms. Although this minor information is the type portrayed in most courtroom television programs. Research conducted by Fouts(1976) found that children who watched violent television programs tended to have higher intelligence than other children as well as more pro attitudes about police and courts. Fouts utilized a developmental model arguing that as the child develops cognitively, he or she comes to understand the errors in television program content. The work of Fouts indicates that a broader scope needs to be taken than the traditional linear model used in most effects research. Similarly this study succeeded in only explaining thirty percent of the variance. A broader scope considering more variables in light of a cognitive development model will undoubtedly be more satisfactory in examining this issue.

TABLE ONE

Correlation Matrix for Composite "TV Knowledge"

Item	1	2	3	4	5	6	7	8	TV Knowledge	Mean	Standard Deviation
		-.07	.04	-.17	-.03	-.06	-.11	-.07	-.14	2.63	1.17
			-.03	.11	.01	.17	.19	.07	.41	2.38	1.01
				.07	-.02	.03	.03	.11	.35	2.98	1.12
					.08	.16	.18	.32	.57	2.83	1.19
						.13	.14	.06	.39	3.97	1.05
							.47	.27	.60	3.92	.91
								.20	.61	3.61	1.10
									.60	3.01	1.19

minimum item-total correlation $1/\sqrt{8}$ = .35

average inter-item correlation = .08

coefficient of reproducibility (r_{tt}) = .47

coefficient of reproducibility omitting item 1 (r_{tt}) = .51

TABLE TWO

Perceived Importance of Sources of Information about the Judicial Process

Source of Information	Grade 8 students (n=99)	Grade 12 students (n=106)	University students (n=103)	Law School students (n=47)	Total Group (n=355)
Parents	5.14	3.49	3.64	3.57	4.60
Teachers	3.77	3.03	3.53	3.43	3.40
Friends	3.56	3.13	4.15	3.57	3.60
Newspaper accounts of trials	4.14	3.59	3.84	3.96	3.90
Magazine accounts of trials	3.58	3.19	3.52	3.36	3.40
Novels	3.81	3.19	3.31	2.57	3.30
Motion Pictures	4.76	4.34	4.17	2.27	4.20
Television Documentaries	4.69	4.54	4.79	4.62	4.70
Television shows about lawyers	5.04	5.35	5.02	2.96	4.80
Lawyers	3.85	3.21	3.50	5.19	3.70
Visits to Courtrooms	3.09	2.22	2.85	4.43	2.90
Mystery Stories	3.05	2.51	2.25	1.85	2.50

Note: The higher the mean the greater perceived influence of source.

TABLE THREE

Multiple Regression Between Knowledge of the Judicial Process and Source of Information

Variable	R^2	R^2 Change
Student type	.16	.16
Television shows about lawyers	.24	.08
Lawyers	.27	.03
Novels	.28	.01
Parents	.29	.01
Courtroom experience	.293	.003
Mystery stories	.295	.002
Newspaper accounts about trials	.297	.002
Friends	.299	.002
School teachers	.300	.001
Television documentaries	.301	.001
Magazines	.301	.000
Visits to courtrooms	.301	.000

TABLE FOUR

Courtroom Experience By Student Type

Student Type	Courtroom Experience Percent		
	Yes	No	Total
Grade eight	15.2%	84.8%	100%
Grade twelve	25.7	74.8	100
First Year University	33.0	67.0	100
Law school first year	72.3	27.7	100
Total	29.4	70.6	100

TABLE FIVE

Average Scores of Those With and Those Without Courtroom Experience

Group	Mean Courtroom Experience	Mean No Courtroom Experience
Total group	24.31	22.02*
Grade eight	21.27	21.63
Grade twelve	23.65	21.55*
University arts students	21.97	21.81
First year law students	28.15	28.62

*denotes $p = .05$

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